

June 24, 2013

West Des Moines City Council Proceedings  
Monday, June 24, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, June 24, 2013 at 5:31 PM. Council members present were: J. Mickelson, T. Ohmart, K. Trevillyan, and R. Trimble. Council member J. Sandager participated via telephone.

Jody Smith, Deputy City Manager/City Clerk, stated, due to a question regarding one of the payments included in Item 4(b) Approval of Bill Lists, he suggests the Council consider Item 4(b) separately from the consent agenda to allow Finance Director Tim Stiles to return with the requested information.

On Item 1. Agenda. It was moved by Trimble, second by Trevillyan to approve the agenda as presented.

Vote 13-235: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Mayor Gaer presented Keys to the City to each of the members of the robotics team, Beta Team 3550, for their accomplishment of winning the world championship, and he also presented the group with a check for \$5,000 to help fund the team's upcoming trip to Sydney, Australia.

City Manager Greg Sparks reported the City will receive \$3 million in Community Development Block Grant funds to construct a second phase of apartments for residents age 55 and older on Lincoln Street. He also reported he attended a meeting of the Greater Des Moines Partnership's Regional Economic Development Committee on June 13th, where an update was given on how recent legislation will impact metro cities. He thanked David Maahs and Stacie LoVan for their assistance in working with Microsoft and City staff on the High Quality Jobs application. He reported the City-School Collaboration Committee met today and discussed the possibility of forming a youth advisory committee. He also reported the "Art on the Campus" launch will be held on June 27th.

Council member Ohmart reported the Legislative Subcommittee met and discussed how recent legislation on commercial property tax will impact the City and discussed the possibility of seeking alternate revenue sources, such as a local option sales tax or a hotel/motel per room tax. He also reported he attended a meeting on the proposed Tomorrow Plan and intends to meet with staff to further discuss the proposal.

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Council member Mickelson reported he attended a meeting of the Metro Waste Authority Board, where he learned that West Des Moines continues to have one of the highest participation rates among the communities in the metro recycling program. He also reported he will hold a public event at his home to watch the Jordan Creek Town Center's fireworks on June 30th, and he has invited U.S. Senate candidates Congressman Bruce Braley and Matt Whitaker.

Council member Trimble reported he attended the Finance and Administration Subcommittee meeting, where discussion was held on: a possible application for a RISE grant to fund the extension of Grand Avenue from South Jordan Creek Parkway to South 88<sup>th</sup> Street; a possible lease with a new tenant for the available space in the WDM Community Center; a proposed Ordinance to revise the membership requirements for the Human Services Advisory Board; a proposed pay plan for paid-on-call firefighters and part-time EMT's; how recent legislation on commercial property tax could impact the City's bond rating; and proposed increases to fees for building permits, Fire Department fees, Sanitary Sewer Capital Charges, and District Connection Fees.

On Item 4. Consent Agenda.

Mayor Gaer inquired what the payment to Rhythm Engineering included in Item 4(b) Approval of Bill Lists is for.

Tim Stiles, Finance Director, responded the payment of \$807,750 is for a traffic signalization coordination project, and 80% of that will be paid back to the City through a grant.

It was moved by Trevillyan, second by Trimble to approve the consent agenda as presented.

- a. Approval of Minutes of June 10, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Bambino's Restaurant, Inc. d/b/a Bambino's Restaurant, 2025 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
  - 2. MVC Acquisition LLC, d/b/a Cabaret, 560 Prairie View Drive, Suite 105 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 3. Crazy Chicken, LLC, d/b/a Chicken Coop Sports Bar & Grill, 1960 Grand Avenue, Suite 23 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
  - 4. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Services - Renewal
  - 5. OSI/Fleming's, LLC, d/b/a Fleming's Prime Steakhouse & Wine Bar, 150 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 6. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation,

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- 137 5th Street - Transfer Location for One Day to the 200 Block of 5th Street - Tuesday, July 23, 2013
7. In Hoot, LLC, d/b/a Hooter's of West Des Moines, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  8. Hy-Vee, Inc., d/b/a Hy-Vee Clubroom, 555 South 51st Street, Clubroom Area - Class BW Permit with Sunday Sales - New
  9. Steffes Holdings, LLC, d/b/a Renewal by Andersen, 517 Railroad Avenue - Class LC Liquor License with Outdoor Service for RAGBRAI Party - Tuesday, July 23, 2013 - New
- d. Approval of Appointments - Human Services Advisory Board
- e. Approval of Change Orders:
1. 2013 PCC Reconstruction Program, #1
  2. 2012 Concrete Trail Renovation Project, #1
  3. American Legion Park Sprayground, #4
- f. Approval to Purchase Software and Services - Cartegraph Enterprise Agreement
- g. Approval of Policy - Surplus Property (Construction) Disposal
- h. Approval of Army Corps of Engineers #404 Permit
- i. Establishing Building Permit, Fire Department, Sanitary Sewer Capital Charges, and District Connection Fees - 2013-14 FY
- j. Approval of 28E Agreement - WRA Sponsored Projects
- k. Order Construction:
1. 2013 HMA Resurfacing Program
  2. Fire/EMS Station #17 Masonry and Windows
- l. Accept Work:
1. 2012 Concrete Trail Renovation Project
  2. 2013 Concrete Trail Renovation Project
  3. Valley Junction Walkway Lighting Improvements, Phase 2
- m. Approval of Professional Services Agreement - Law Enforcement Center Lower Floor Remodel
- n. Approval of 2013-14 FY Pay Plan - Paid On Call Firefighters, Part Time EMS

Vote 13-236: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(a) Valley Junction Neighborhood Reunion Street Party - August 30, 2013, initiated by Taste of the Junction, Inc.

Council member Trevillyan reported the Council, at the June 10th meeting, directed a group comprised of a representative of Taste of the Junction, a representative of HVJF, and the City Manager, work together to canvass the merchants in the 100 block of 5th Street to assess the level of support for the street closure. The Council conditionally approved the closure of the 100 block of 5th Street and Railroad Place for the Valley Junction Neighborhood Reunion, pending

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the group's attainment of 75 percent support among the businesses on that specific block. However, the following day, a board member of Taste of the Junction, Inc. went out on his own and visited the merchants that had not signed an earlier petition, presumably to solicit their support for the street closure. Since the Taste of the Junction's board member acted alone, and the Council's direction for the group to work together was not followed, Council member Trevillyan has suggested the City Council consider two motions tonight: to reconsider the June 10th action and to approve staff's original recommendation that the special event be approved for the alternate location of Railroad Place, Railroad Park, the band shell, plus the public parking lot in the 100 block of 4th Street and that the 100 block of 5th Street not be closed for this initial event.

Mayor Gaer expressed, on behalf of the elected body, that everyone is supportive of the event and wants it to be successful. He noted staff's recommendation for the alternate location is where Cinco de Mayo and Smokin' in the Junction started.

Rachelle Long, 106 11<sup>th</sup> Street, President of Taste of the Junction, Inc., explained she had not authorized the board member's actions that violated the Council's directive. She stated she was made aware of the actions when she received a phone call notifying her of what was happening. She was later notified by the City Manager of the Council's intention to reconsider the June 10th action. She stated she does not believe the decision should be based on one board member's actions and she is still requesting the closure of the 100 block of 5th Street. She also noted the board member was not canvassing the businesses on his own, but he was on 5th Street and was questioned by a business owner.

It was moved by Trevillyan, second by Mickelson to reconsider June 10, 2013 City Council Action and approve the staff recommendation.

Vote 13-237: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) Wells Fargo West Des Moines Campus (Amendment #4), 800 South Jordan Creek Parkway - Amend the Existing Specific Plan Ordinance for Construction of a Cafeteria and Training Facility, initiated by Wells Fargo Home Mortgage

Mayor Gaer inquired if the supplemental information regarding the specific plan map requires an amendment to the Ordinance.

Chris Shires, Development Planning and Inspection Manager, responded staff is requesting the Council accept the latest specific plan map, which converts parking lot Q from being a temporary lot to a permanent lot, in lieu of the map that was included with the staff report and the ordinance.

It was moved by Ohmart, second by Trevillyan to consider the second reading of the ordinance,

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with amended specific plan map.

Vote 13-238: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Ohmart, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-239: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Ohmart, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-240: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Roger's Farm, south side of Stagecoach Drive (south of Wells Fargo) - Designation of 51.03 acres as Residential Medium Density (RM-12) Zoning, 32.26 acres as Residential Estate (RE-1A) Zoning, and 7.76 acres as Single Family Residential (R-1) Zoning, initiated by Civic Parkway Associates, LC

It was moved by Ohmart, second by Trevillyan to consider the second reading of the ordinance.

Council member Trimble stated he would appreciate Knapp Properties continuing to work with the Pheasant Ridge residents in any way they can to address the residents' concerns.

Vote 13-241: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Ohmart, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-242: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Ohmart, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-243: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 5(d) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8C (Sanitary Sewer Service Charges), Modification of Availability Charges and Basic Rates, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to consider the second reading of the ordinance.

Vote 13-244: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the second reading of the ordinance.

Vote 13-245: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trevillyan, second by Trimble to waive the third reading and adopt the ordinance in final form.

Vote 13-246: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(e) Roadway Naming and Addressing Guidelines, initiated by the City of West Des Moines

It was moved by Trimble, second by Mickelson to adopt Resolution - Approval of Guidelines.

Council member Trimble expressed appreciation to Lynne Twedt, Addressing Administrator, and other City staff that contributed to developing these guidelines.

Mayor Gaer stated Lynne Twedt sent a memo regarding the naming of the Southwest Connector and 105th Street, and he requested City Manager Sparks communicate with city officials in Des Moines and Waukee to get their feedback on possible names for the streets. He expressed his desire for those two roadways to have a consistent name in the West Des Moines portion as in the neighboring communities' portions.

Vote 13-247: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Hurd Jordan Plat 1, northeast corner of Mills Civic Parkway and South Jordan Creek Parkway - Vacate Public Sanitary Sewer Easement located across Lot 3 and Lot 4 and Private Storm Sewer

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Easement across Lots 2, 3, and 4, initiated by Johnson Jordan, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 7, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Vacation Request.

Vote 13-248: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Street Renaming - Park Drive (east of Grand Avenue) to Chow's Olympic Avenue, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 14, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Mickelson to consider the first reading of the ordinance.

Vote 13-249: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Mickelson to approve the first reading of the ordinance.

Vote 13-250: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Development Agreement, Woodland Hills Urban Renewal Area - Development of South 93rd Street and Neighborhood Park, initiated by KTJ201, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 18, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public

hearing closed.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Amendment to Existing Development Agreement.

Council member Trimble stated he appreciates Oppidan's partnership with the City, and he feels the benefits of this proposed amendment will be a great deal for the Woodland Hills residents by providing a second paved access to the neighborhood, relieving congestion for when school is in session, and providing money towards a future neighborhood park.

Mayor Gaer explained the amendment will provide a TIF reimbursement of up to \$750,000 to Oppidan for the construction of South 93<sup>rd</sup> Street and Oppidan will provide \$250,000 towards park improvements.

Council member Mickelson stated he is going to vote against this amendment, because this type of incentive for a single-family residential street is unique, and when the Council entered into the original development agreement, he was not on the Council so he doesn't have the background and history that the others have. He stated he is very excited for this project and he thinks it will be a phenomenal development when it is finished.

Vote 13-251: Sandager, Trevillyan, Trimble...3 yes  
Mickelson, Ohmart...2 no

Motion carried.

On Item 7(a) Easton at Bridgewood North Plat 4, intersection of 79th Street and Cottonwood Lane - Subdivide Property into 20 Lots for Townhome Development and 2 Outlots, initiated by Grayhawk Homes of Iowa, Inc.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 13-252: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Legacy at Bridgewood North Plat 4, intersection of 80th Street and Cottonwood Lane - Subdivide Property into 26 Lots for Townhome Development, 1 Outlot for a Private Street and 3 Outlots, initiated by Grayhawk Homes of Iowa, Inc.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 13-253: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.



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On Item 7(c) Amended Legacy at Bridgewood North Plat 3, south of Beechtree Drive at the end of 80th Street - Amend the Final Plat for Lot Numbering, initiated by Grayhawk Homes of Iowa, Inc.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 13-254: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Council member Sandager arrived at 6:25 p.m. The attendance was re-taken. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 7(d) Westside Community Center, 134 6th Street - Construction of a Community Center, initiated by Polk County

Chris Shires, Development Planning and Inspection Manager, reported the outstanding issues on this item are the applicant's request for 8-foot sidewalks and concrete banding and day lily plantings in the right-of-way along a portion of the north and east sides of the property. He noted the Plan and Zoning Commission recommended the Council approve the Site Plan as requested, but staff is recommending against the applicant's requests because it would not be a logical continuation of the streetscape on 5th Street and staff has concerns with atypical profiles for right-of-way and the possible increased costs and difficulty in accessing utility lines and removing snow. He stated staff recommends maintaining the standard 4-foot sidewalks and planting sod in the right-of-way.

Mayor Gaer inquired why the mid-block crossing has been recommended.

Mr. Shires responded the mid-block crossing will offer a more convenient crossing for visitors that park in the public parking lot across the street. Since most people would likely cross mid-block anyway, designating it as a crossing will make it safer.

Phil Parrott, Shive-Hattery, 1601 48th Street, explained the building is designed to be a transitional building between the commercial area to the east and the residential area to the west. Therefore, the northeast portion has been designed to have more of a main street character, while the west side has been designed to have more of a residential character. The rationale for the wider sidewalk, concrete banding, and day lily plantings along a portion of the north and east sides is to create the main street character. He also noted the 8-foot sidewalk will be beneficial for a person with a walker to walk with a person assisting by their side.

After discussion, the Council expressed a willingness to allow the 8-foot sidewalk, but not the concrete banding or the day lily plantings in the right-of-way, because they want to be consistent

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with the City's policy on objects in the right-of-way.

It was moved by Ohmart, second by Trimble to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Applicant will need to provide site plan drawings revised to remove from the right-of-way the additional paving and landscape improvements over and above an 8' wide sidewalk along the north and east building edge and the standard 4' wide sidewalk for the remaining site, the mid-block crossing and the entrance drives.
2. The City Council approves the installation of the mid-block crossing within the 6th Street right-of-way as indicated on the Site Plan.
3. The Applicant will need to provide an executed easement document for a 7' wide sanitary sewer easement along the alley.
4. After occupancy, the Applicant will request the City Council approve an ordinance amendment to remove on-street parking from the west side of 6th Street in the area of the Community Center to provide visibility for pedestrians using the mid-block crossing.
5. Prior to issuance of a building permit, should the applicant pursue installing the shade structures along the north and east side of the building that encroach on the right of way, the Applicant will need to execute a hold harmless agreement and easement with the City.
6. Prior to issuance of any occupancy permit, the Applicant must provide an executed maintenance easement agreement and maintenance covenant document for run off controls.

Vote 13-255: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(e) Hy-Vee Store #1, 1700 Valley West Drive - Modify Exterior Elevations and Add Underground Stormwater Detention, initiated by Hy-Vee, Inc.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Major Modification, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. That the City Council defers the requirement of 10 feet of additional right-of-way adjacent to 36th Street until the site is redeveloped and required to be in full compliance with all City Codes and Standards.

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2. That the City Council accepts the proposed phasing of the storm water management plan.
3. That the City Council accepts the current non-conforming status of the landscaping and open space requirements.
4. That the final drawings which address remaining staff comments be accepted, prior to any building permits.
5. That any landscaping that is missing or has died be planted or replaced to meet the original site plan, and subsequent minor modification requirements with the implementation of this major modification.

Mayor Gaer commended Hy-Vee for how they are constantly upgrading the quality of their properties.

Vote 13-256: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(f) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 5 (Human Services Advisory Board), Section 3 (Membership) - Human Services Advisory Board Membership, initiated by the City of West Des Moines

Mayor Gaer noted the proposed Ordinance will not limit the number of service sector employees that can serve on the board, but that the required minimum would be reduced to three, which is consistent with recent and current practice.

It was moved by Trevillyan, second by Trimble to consider the first reading of the ordinance.

Vote 13-257: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the first reading of the ordinance.

Vote 13-258: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(g) July 8, 2013 Regular City Council Meeting - Approval to Reschedule Due to Expected Lack of Quorum, initiated by the City of West Des Moines

Mayor Gaer noted three Council members will be out of state on July 8th and unavailable to

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participate by phone, so staff's recommendation is to reschedule the meeting for Wednesday, July 3rd at 5:00 p.m.

It was moved by Sandager, second by Trevillyan to reschedule the July 8, 2013 Council meeting to July 3, 2013 at 5:00 p.m. in the Council chambers and any pending Public Hearings on construction related projects scheduled for July 8th shall be rescheduled for 5:05 p.m. on July 3rd.

Vote 13-259: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters: none

The meeting was adjourned at 6:48 p.m.

A City Council Workshop followed.

It was moved by Trevillyan, second by Sandager to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 13-260: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Entered Executive Session at 7:54 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Mickelson, Ohmart, Sandager, Trevillyan and Trimble; City Manager, Deputy City Manager/City Clerk and City Attorney.

It was moved by Trevillyan, second by Sandager to adjourn from Executive Session.

Vote 13-261: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Executive Session was adjourned at 8:04 p.m.

Respectfully submitted,

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Ryan T. Jacobson  
Deputy City Clerk

ATTEST:

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Steven K. Gaer, Mayor